## REMARKS

Claims 1-2, 4-8, 10-15, and 17-20 are pending. By this amendment, claims 1, 8, and 15 are amended and new claim 21 is added. No new matter is introduced. Support for the amendments and the new claim may be found at least at page 8, lines 16-18 and page 12, lines 9-11 of the specification. Reconsideration and allowance of the claims in view of the above amendments and the remarks that follow are respectfully requested.

### Claim Rejections Under 35 U.S.C. §103

On page 2 the Office Action rejects claims 1-8, 10-15, and 17-20 under 35 U.S.C. §103 (a) over U.S. Patent 5,257,387 to Richek et al (hereafter Richek) in view of U.S. Patent 5,634,072 to Allen et al (hereafter Allen). Specifically, the Office Action acknowledges on age 2 that Richek did not disclose in detail calculating a scaling ration for each group; sorting active groups by their scaling ratios; without exceeding a maximum limit for each of the active groups, whereby the system resource reallocated to each of the active groups are scaled up from teach group's entitlement value by a fixed ratio up to the groups maximum limit. However, the Office Action asserts on pages 2-3 that Allen teaches these features by disclosing that "the installation is given the flexibility to determine a maximum value based on the customer environment since limiting the number of connections to coupling facility structure will lessen the amount of the space used by the function data set. This value will be used to reserve total function data set for all coupling facility structures in the active policy and will be rounded to the next highest unit of 8 (col. 22, lines 51-58). Allen also disclosed the list monitor table is a sequence of objects, called list-monitor-table entries is determined when the table is created and is equal to the maximum number of list-structure-users (col. 15, lines 51-54)." This rejection is respectfully traversed.

Claim 3 has been canceled in the March 30, 2004 Amendment, rendering the rejection of claim 3 moot.

Richek is directed to a computer implemented method and apparatus for dynamic and automatic configuration of a computer system and circuit boards including computer resource allocation conflict resolution. Allen is directed to a method and system for managing one or more coupling facilities in a data processing system.

Contrary to the Examiner's assertion, giving the installation the flexibility to determine a maximum value based on the customer environment is quite different from calculating a scaling ratio for each group and sorting active groups by their scaling ratios. To establish a *prima facie* case of obviousness ... the prior art reference (or references when combined) must teach or suggest all of the claim limitations. In re Vaeck, 947 F.2d 488, 20

USPQ2d 1438 (Fed. Cir. 1991) and MPEP § 2142. The cited paragraphs of Allen simply do not disclose or suggest "calculating a scaling ratio for each group; sorting active groups by their scaling ratios, creating a list of active groups in an increasing order," as recited in amended claim 1.

Moreover, Richek and Allen, individually and in combination, do not disclose or suggest "traversing the list of active groups once; and performing a finite and bounded set of operations after a single pass at each group to reallocate the excess entitlement to the active groups in proportion to the respective entitlement values," as recited in amended claim 1 (emphasis added). Using the scaling ratios to pre-sort the list of groups makes it possible to compute allocations in a single pass over the list of groups, resulting in a more efficient method of reallocating resources. As noted above, in order to establish a *prima facie* case of obviousness, all the claim limitations must be taught or suggested by the prior art. In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991) and MPEP § 2142. Furthermore, in determining the differences between the prior art and the claims, the question under 35 U.S.C. § 103 is not whether the differences themselves would have been obvious, but whether the claimed invention as a whole would have been obvious. Stratoflex, Inc. v. Aeroquip Corp., 713 F/2d 1530, 218 USPQ 871 (Fed. Cir. 1983) and MPEP 2141.02. Since the invention as a whole, including these recited features, is not disclosed or made obvious by the cited references, amended claim 1 is allowable.

If an independent claim is nonobvious under 35 U.S.C. § 103, then any claim depending therefrom is nonobvious. In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and MPEP § 2143.03. Claims 2 and 4-7 depend from claim 1, and for this reason, and the additional features they recite, claims 2 and 4-7 are also allowable. Withdrawal of the rejection of claims 1-2 and 4-7 under 35 U.S.C. §103 (a) is respectfully requested.

Regarding independent claim 8, for at least the same reason as noted above with respect to claim 1, Rickek and Allen, individually and in combination, do not disclose or suggest "traverses the list of active groups once; and performs a finite and bounded set of operations after a single pass at each group to reallocate the excess entitlement to the active groups in proportion to the respective entitlement values," as recited in amended claim 8 (emphasis added). Therefore, amended claim 8 is allowable.

Claims 10-14 depend from claim 8, and for this reason, and the additional features they recite, claims 10-14 are also allowable. Withdrawal of the rejection of claims 8 and 10-14 under 35 U.S.C. §103 (a) is respectfully requested.

Regarding independent claim 15, for at least the same reason as noted above with respect to claim 1, Rickek and Allen, individually and in combination, do not disclose or suggest "traverses the list of active groups once; and performs a finite and bounded set of operations at each group after a single pass to reallocate the excess entitlement to the active groups in proportion to the respective entitlement values," as recited in amended claim 15 (emphasis added). Therefore, amended claim 15 is allowable.

Claims 17-20 depend from claim 15, and for this reason, and the additional features they recite, claims 17-20 are also allowable. Withdrawal of the rejection of claims 15 and 17-20 under 35 U.S.C. §103 (a) is respectfully requested.

With respect to new claim 21, none of the references disclose or suggest "traversing the list of active groups once and only once; and performing a finite and bounded set of operations at each group after a single pass to reallocate the excess entitlement to the active groups in proportion to the respective entitlement values, without exceeding a maximum limit for each of the active groups," as recited in claim 21 (emphasis added). Therefore, new claim 21 is allowable.

In view of the above remarks, Applicants respectfully assert that claims 1-2, 4-8, 10-15, and 17-21 are allowable. Prompt allowance of all pending claims is respectfully requested.

Should the Examiner consider that any further action is need for allowance of the claims, the Examiner is respectfully requested to contact the Applicants' representative at the telephone number listed below.

Respectfully submitted,

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